MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT ACT 1988 No. 75

NEW SOUTH WALES

TABLE OF PROVISIONS

MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT ACT 1988
No. 75

NEW SOUTH WALES

Act No. 75, 1988

An Act to amend the Motor Traffic Act 1909 in relation to the cancellation of licences and vehicle registrations as a consequence of a failure to pay a penalty or other amount in respect of certain offences, and for other purposes. [Assented to 23 November 1988]

See also Transport (Penalty Defaults) Amendment Act 1988.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Motor Traffic (Penalty Defaults) Amendment Act 1988.

Commencement

2. This Act commences on the date of assent.

Amendment of Motor Traffic Act 1909 No. 5

3. The Motor Traffic Act 1909 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Section 18c (Cancellation of licence or registration in default of payment of penalty)—

(1) Section 18c (1) (c)—

After "Act;", insert "and".

(2) Section 18c (1) (d)—

Omit "laid; and", insert instead "laid,".

(3) Section 18c (1) (e)—

Omit the paragraph.

(4) Section 18c (2) (b)—

Omit "or liable to pay a fine and costs", insert instead "penalty, costs or other amount of money".

(5) Section 18c (2) (c)—

Omit "or the fine and costs, so payable are", insert instead "penalty, costs or other amount of money so payable is".
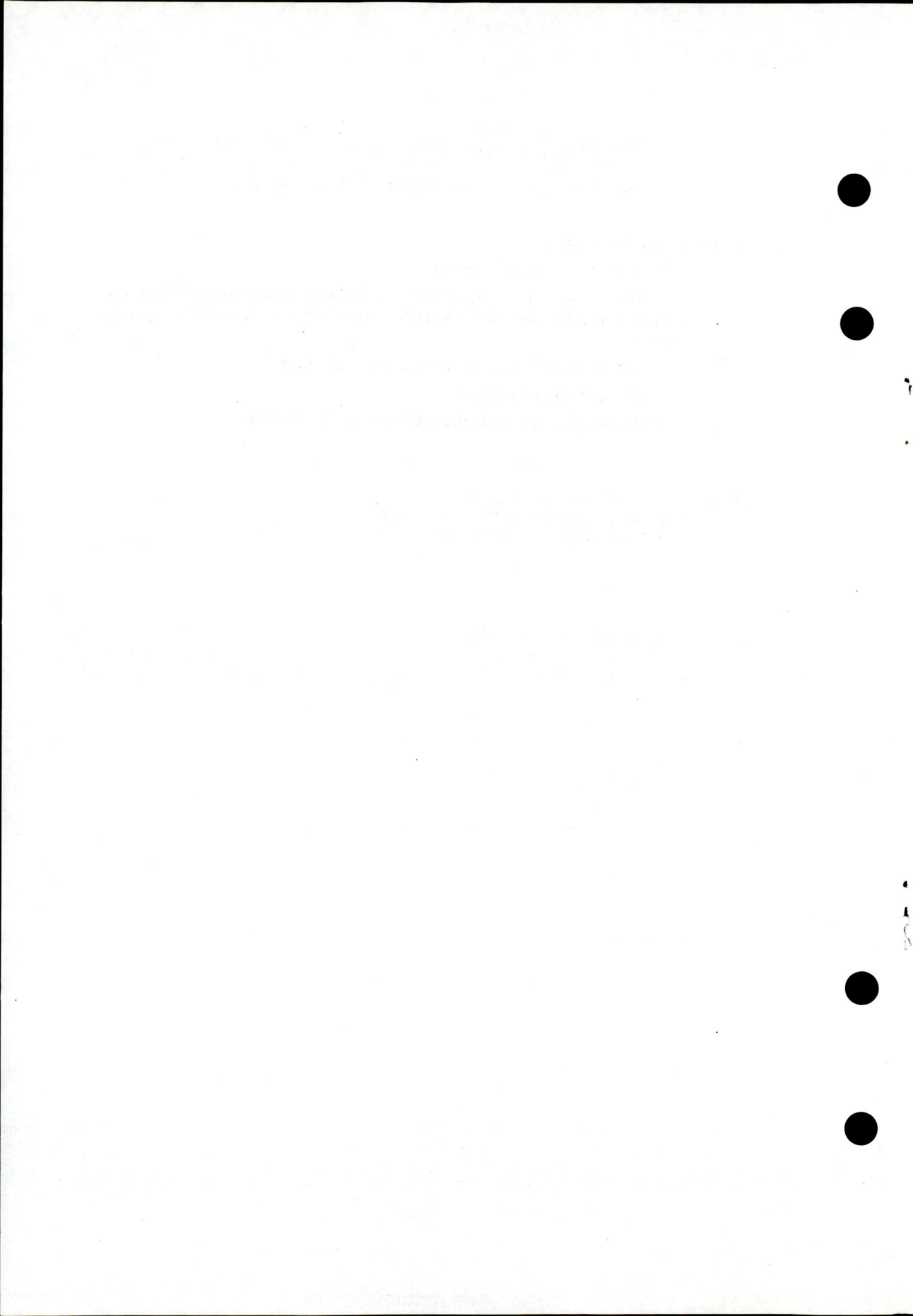
SCHEDULE 1—AMENDMENTS—*continued*

(6) Section 18c (10)—

After section 18c (9), insert:

(10) This section, as in force after the commencement of the Motor Traffic (Penalty Defaults) Amendment Act 1988, applies to—

(a) notices issued under section 18B; and

(b) convictions made,

before or after the commencement of this section.

[Minister's second reading speech made in—
Legislative Assembly on 19 October 1988
Legislative Council on 16 November 1988]

MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL 1988

NEW SOUTH WALES

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Transport (Penalty Defaults) Amendment Bill 1988 is cognate with this Bill.

The object of this Bill is to amend section 18c of the Motor Traffic Act 1909 so as—

(a) to remove a statutory limitation which prohibits the cancellation of licences and vehicle registrations for fine default in respect of parking or traffic offences committed more than 6 months before service of a notice of intended cancellation; and

(b) to remove any doubt that cancellation action may be taken in default of payment of any amount payable (in addition to any fine) by virtue of a conviction.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 (3) repeals section 18c (1) (e) of the Principal Act. That paragraph currently prevents the taking of cancellation action for a default in payment of the penalty imposed by a penalty notice issued in respect of an alleged offence if the statutory period during which an information may be laid in respect of the offence has expired. The statutory period is 6 months (Justices Act 1902, section 56).

As a result of the amendment, a person liable to make payments in respect of parking or traffic infringement notices more than 6 months old may be served with a notice of intended cancellation. If payment is not then made, the person's licence or vehicle registration is liable to cancellation.

Motor Traffic (Penalty Defaults) Amendment 1988

Schedule 1 (4) and (5) amend section 18c (2) of the Principal Act to remove any doubt that cancellation action may be taken in cases where a person defaults in payment of witnesses' expenses or of any other amount payable, in addition to a fine, by reason of a conviction.

Schedule 1 (6) amends section 18c of the Principal Act so as to provide that that section, as amended by the proposed Act, applies to penalty notices and convictions issued or made before or after the commencement of that section.

Schedule 1 (1) and (2) make consequential amendments.

MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL 1988

NEW SOUTH WALES

TABLE OF PROVISIONS

MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL 1988

NEW SOUTH WALES

No.   , 1988

A BILL FOR

An Act to amend the Motor Traffic Act 1909 in relation to the cancellation of licences and vehicle registrations as a consequence of a failure to pay a penalty or other amount in respect of certain offences, and for other purposes.

See also Transport (Penalty Defaults) Amendment Bill 1988.

Motor Traffic (Penalty Defaults) Amendment 1988

The Legislature of New South Wales enacts:

Short title

   1. This Act may be cited as the Motor Traffic (Penalty Defaults) Amendment Act 1988.

5 **Commencement**

   2. This Act commences on the date of assent.

Amendment of Motor Traffic Act 1909 No. 5

   3. The Motor Traffic Act 1909 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

10   (Sec. 3)

Section 18c **(Cancellation of licence or registration in default of payment of penalty)**—

   (1) Section 18c (1) (c)—
        After "Act;", insert "and".

15   (2) Section 18c (1) (d)—
        Omit "laid; and", insert instead "laid,".

   (3) Section 18c (1) (e)—
        Omit the paragraph.

   (4) Section 18c (2) (b)—
20   Omit "or liable to pay a fine and costs", insert instead "penalty, costs or other amount of money".

   (5) Section 18c (2) (c)—
        Omit "or the fine and costs, so payable are", insert instead "penalty, costs or other amount of money so payable is".

25   (6) Section 18c (10)—
        After section 18c (9), insert:

        (10) This section, as in force after the commencement of the Motor Traffic (Penalty Defaults) Amendment Act 1988, applies to—
30   (a) notices issued under section 18b; and
        (b) convictions made,
        before or after the commencement of this section.